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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/121,596 07/24/98 MAYAUD

C 48850-018

EXAMINER

020277

LM01/0324

MCDERMOTT WILL & EMERY
600 13TH STREET NW
WASHINGTON DC 20005-3096

CRECCA, M

ART UNIT

PAPER NUMBER 1

2765

DATE MAILED:

03/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/121,596

Applicant(s)

MAYAUD, CHRISTIAN

Examiner

Michele S. Crecca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70,72-92 and 94-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70,72-92 and 94-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The proposed reply filed on January 12, 2000 has been entered.
Claims 70, 72-92 and 94-102 have been examined.

Specification

2. The examiner has considered the applicant's request to withdraw the requirement for a substitute specification on page 6, 4th paragraph, of paper no. 9 and has determined that it is appropriate to maintain the requirement. A substitute specification will be required at the time of allowance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 70, 72-83, 85-92 and 94-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al. (US 5,833,599) in view of Cummings, Jr. (US 5,301,105).

Claims 70 and 99: Schrier et al. teaches "a computerized prescription system" (abstract and figure 11) comprising:

" at least one user computer...having a graphical user interface" (col. 5, lines 24-26 and col. 36, lines 22-25 (claim 42));

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“permitting capture of prescription information” (col. 4, lines 36-50);

“providing access to one or more of (1) information about a patient's prescription history” (col. 13, lines 43-48);

“(2) pharmaceuticals arranged by medical conditions...(3) information about the properties of pharmaceuticals” (col. 9, lines 38-46 and fig. 6).

Although Schrier et al. recites that the clinical setting or hospital “may connect the system to other data processing systems to exchange information, such information about patients, drug availability, and costs, or to place drug orders” (col. 5, lines 21-23) and that the system's configuration supports “exchange and integration of information” (col. 3, line 61), Schrier does not specifically recite that the connection is to one or more of the list of Health Maintenance Organizations, insurance companies, offsite pharmacies, laboratories, and physician offices. Cummings, Jr. teaches a system for “all care health management” (title). This fully integrated healthcare system includes connections to insurance companies (fig. 1, items 24a-24c), offsite pharmacies (fig. 10, item 223 and col. 12, lines 44-59), laboratories (col. 6, lines 36), and other healthcare-related specialists and organizations (col. 6, lines 29-36 and fig. 10). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to integrate the specific healthcare-related organizations shown by Cummings, Jr. into the system of Schrier et al. as these types of organizations are essential for comprehensive healthcare. By integrating connections to offsite pharmacies, laboratories, insurance companies, and others into Schrier et al.'s system healthcare professional have access to all pertinent information on a patient, the ordering of tests and prescriptions is simplified, and claiming for insured procedures is streamlined.

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Regarding claim 99 which claims the "computer program product" for the system of claim 70, this claim is rejected per the arguments for claim 70.

Claim 72: the computerized prescription system in which one or more computers further includes at least one computer run by or on behalf of a hospital (col. 5, line18-20).

Claims 85 and 100: Schrier et al. teaches "a computer implemented method of creating prescription" (fig. 11) comprising the steps of:

"capturing prescription information" (col. 4, lines 36-50);

"formatting said prescription information" (col. 13, line 6 – col. 15, line 9); and

"sending said prescription information to a pharmacy" (col. 14, lines 65-67).

Although Schrier et al. teaches that the computerized prescription system is used in a network configuration (col. 3, lines 52-61 and col. 6, lines 27-30) where prescription orders are sent to a pharmacy (col. 14, lines 65-67), Schrier et al. does not explicitly state that the pharmacies can be "off-site" from the originating prescriber's site (that is doctor's office or hospital). Cummings, Jr. shows a system for "all care health management" (title). This system provides a fully integrated health care system which includes prescription ordering to an off-site pharmacy (figs. 7 and 10; col. 12, lines 44-59). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide access to off-site pharmacies, as in Cummings, Jr., in the system of Schrier et al. Schrier et al. already shows the step of sending prescription orders electronically to a pharmacy which is on-site to the facility, it would be obvious to take the next step and allow connections to off-site pharmacies as this would both

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provide the healthcare professional with a complete prescription history of the patient and provide the patient with a more convenient way to pick-up the prescriptions.

Regarding claim 100 which claims the "computer program product" for the system of claim 85, this claim is rejected per the arguments for claim 85.

Claims 91 and 101: Schrier et al. teaches "a method of compiling a patient record" (col. 5, lines 47-49) comprising:

"interrogating databases expected to contain information about a patient based on a patient's relationship with the provider of the database" (col. 6, lines 26-31); and

"assembling patient information into a chronologically current version of said patient's medical history" (col. 6, lines 4-11).

Schrier et al. teaches where the system interrogates database which contain patient information (col. 6, lines 26-31), however, Schrier et al. does not explicitly state that the databases can be located "off-site." Cummings, Jr. shows a system for "all care health management" (title) where data and information accessed by the system "should be understood to contemplate the physical location of such data in other sites as well as, or in addition to, files at the physician's office" (col. 6, lines 44-54, particularly 52-53). Since Schrier et al. teaches that the "exchange and integration of information" is facilitated by the networked system (col. 3, line 61), it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to allow for the interrogation of databases at a variety of sites in order to acquire the information needed by the physician to proceed with treatment. By accessing data from a variety of sources, as in the system of Cummings, Jr., the patient will receive a higher level of treatment because the provider has a comprehensive picture of the patient's health status.

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Regarding claim 101 which claims the "computer program product" for the system of claim 91, this claim is rejected per the arguments for claim 91.

Claims 94 and 102: Schrier et al. teaches "a computerized prescription system" (abstract and fig. 11) comprising:

"a graphical user interface" (col. 5, lines 24-26 and col. 36, lines 22-25 (claim 42));

"capture of prescription information" (col. 4, lines 36-50);

"and providing access to one or more of (1) information about a patient's medical history, (2) information about therapeutic agents and (3) information about individual prescriber activity" (col. 3, lines 59-61 and col. 5, lines 47-49).

Schrier et al. teaches where the system provides access to one or more databases of information about a patient's medical history, therapeutic agents, or individual prescriber activity, however, Schrier et al. does not explicitly state that the information can be obtained from one or more "off-site databases." Cummings, Jr. shows a system for "all care health management" (title) where data and information accessed by the system "should be understood to contemplate the physical location of such data in other sites as well as, or in addition to, files at the physician's office" (col. 6, lines 44-54 and figs. 1, 3 and 10). It would have been obvious to one of ordinary skill at the time of the applicant's invention to allow access to information from off-site, as well as on-site, databases, as in the system of Cummings, Jr., into the system of Schrier et al. By accessing data from a variety of sources, as in the system of Cummings, Jr., the patient will receive a higher level of treatment because the provider has a comprehensive picture of the patient's health status.

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Regarding claim 102 which claims the "computer program product: for the system of claim 94, this claim is rejected per the arguments for claim 94.

Claims 73-83, 86-90 and 92-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al. in view of Cummings, Jr., as stated above, and per the previous office action (paper no. 8) pages 4-6 and 9-10.

5. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al. in view of Cummings Jr. as applied to claim 70 above, and further in view of Ballantyne et al. per the previous office action (paper no. 8) page 8, numbered paragraph 8.

Response to Arguments

6. Applicant has attempted to challenge the examiner's taking of Official Notice on page 10, 4th paragraph; however, applicant has not provided adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying the Official Notice (See MPEP 2144.03). Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The examiner's taking of Official Notice has been Maintained.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent by Barber et al. (4,585,121) shows a system for medical payments where the physician's office has a terminal which is connected to a central processing system which contains links to insurance companies and other services.

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U.S. patents by Doyle, Jr. et al. (5,070,452 and 4,916,611) show integrated medical systems with an emphasis on insurance/payment (note the systems have links to insurance databases, physician files and other healthcare services).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The examiner can normally be reached Monday – Friday from 7:00 – 4:30, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Information faxes for this Art Unit can be submitted to (703) 308-5357).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC
March 21, 2000

A handwritten signature in black ink, appearing to read "Eric W. Stamber", with a long horizontal line extending from the end of the signature.

ERIC W. STAMBER
PRIMARY EXAMINER